

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

1038 CIVIL APPLICATION NO.4869 OF 2020
IN SA/224/1995 WITH CA/4870/2020 IN SA/224/1995 WITH
CA/4871/2020 IN SA/224/1995

ASRUBA NAMDEO KSHIRSAGAR (DIED) LRS MOHAN AND ORS
VERSUS

KISAN DHONDIRAM KSHIRSAGAR AND OTHERS

...

Advocate for Applicants : Mrs. Charuta S. Deshmukh

...

CORAM : RAJESH S. PATIL, J.

DATE : NOVEMBER 11, 2022

PER COURT : -

CIVIL APPLICATION NO.4869 OF 2020 :

1. This Civil Application is filed for bringing on record legal heirs of applicant no. 5.
2. There is a delay of 4702 days in filing this application.
3. The Division Bench of this Court in **Keshao Kawadu Maral and another Versus State of Maharashtra**, reported in 2005 (supp.) B.C.R. 226, condoned the delay of six years in filing the application for bringing legal heirs on record relying upon judgment of Hon'ble Supreme Court in the case of **Sardar Amarjit Singh Kalra (Died) by LRs and others Versus Pramod Gupta (Smt.) Dead) by Lrs. And others**, reported in (2003) 3 SCC 272.

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4. Relying upon the above judgments and for the reasons stated in the application, same is allowed in terms of prayer clause “B”, “C” and “D”. Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of two (02) weeks from today.

CIVIL APPLICATION NO.4870 OF 2020 :

1. This application is filed for bringing on record legal heirs of respondent no. 1 – Kisan Kshirsagar.

2. Heard. Issue notice to the proposed legal heirs of respondent no. 1, returnable on **09th December, 2022**.

3. In addition to the court notice, applicants are permitted to serve proposed legal heirs of respondent no. 1 with private notice by all legally permissible modes and file affidavit of service to that effect before the returnable date.

CIVIL APPLICATION NO.4871 OF 2020 :

1. Mrs. Deshmukh submits that this application is filed for deleting the name of appellant no. 3 as it has died, however, the legal heirs of said appellant no. 3 are already on record as appellant nos. 1, 2 and 4.

2. For the reasons recorded in the application, same is allowed and the name of appellant no. 3 is permitted to be deleted as the heirs of said appellant are already on record.

3. Civil Application is accordingly disposed off.

[RAJESH S. PATIL]
JUDGE